

REMARKS

Favorable reconsideration and allowance of this application are requested.

As a procedural note, the present amendment is being filed concurrently with a formal Request for Continued Examination (RCE) under 37 CFR §1.114. Accordingly withdrawal of the "finality" of the June 21, 2007 Official Action is in order so as to allow entry and consideration of the amendments and remarks presented herewith.

1. Discussion of Claim Amendments

By way of the amendment instructions above, pending independent claim 1 has been further revised so as clarify what is meant by "different processes". Specifically, it will be observed that pending claim 1 has been amended so as to emphasize that the two melamine containing flows originate from two different processes for the preparation of melamine from urea that differ from one another in at least one of the process operations needed to obtain melamine or differ from one another in at least one of the sequence of process operations. The language included by amendment to claim 1 is fully supported by the specification at page 3, lines 21-24. (*"Processes are different when there is a difference in at least one of the process operations needed to obtain the product in question, or at least one difference in the sequence of the process operations."*)

Therefore, following entry of the amendment instructions above, claims 1-13 will remain pending herein.

2. Response to 35 USC §112, First Paragraph Rejection

The Examiner has advanced a rejection under 35 USC §112, first paragraph since the phrase "from urea" allegedly has no support in the specification. In this regard, the Examiner asserts that the applicants "...have not pointed out where such

support could be found in [the] specification.” (Official Action at page 2, ultimate sentence thereon.)

With respect to the latter assertion, applicants note that in the Amendment dated March 21, 2007, the applicants did in fact note for the Examiner’s attention that page 1, lines 6-10 provided exemplary support for the phrase “from urea” then introduced into claim 1. Thus, had that passage been reviewed, it would have been evident that this invention “...relates to a process for the preparation of melamine” (page 1, line 6) and that “[s]uch a process [for the preparation of melamine] is known under the name Stamicarbon Process...[where] gaseous melamine is prepared *from urea*.” Thus, the present invention relates to a process for making melamine from urea as disclosed in the passage already brought to the Examiner’s attention.

Notwithstanding the support noted above, even a cursory review of the applicants’ specification would reveal more than adequate support for the phrase “from urea”. In this regard, Examples I and II on page 8 reference flows from the “Stamicarbon gas-phase process” and a “high pressure liquid-phase process” each of which is noted on page 1, lines 9-10 and 16 as being prepared “from urea”.

Therefore, more than ample support exists in the originally filed specification for the claim term “from urea”. As such, withdrawal of the rejection advanced under 35 USC §112, first paragraph is in order.

3. Response to Art-Based Rejections

(i) Rejection under 35 USC §102(b)

Prior claims 1-2 and 5-6 attracted a rejection under 35 USC §102(b) as allegedly being anticipated by Coufal (USP 6,355,797). Applicants suggest that such a rejection is inappropriate against the presently pending claims.

In the applicants' view, the Examiner has apparently overlooked significant limitations appearing in the pending claims which has lead to a misinterpretation and misapplication of Coufal.

In this regard, although it is correct that the Coufal teaches mixing of two melamine streams generally, the amended version of presently on file, explicitly defines that the two streams originate from two different processes **for making** melamine. Thus, unlike Coufal that may teach that flows may be mixed after melamine is made, such flows are from the **same** – not different – process for making such melamine. In contrast, present claim 1 requires that **at least two processes for the preparation of melamine from urea** are mixed, which processes differ from one another in at least one of process operations needed to obtain melamine or which differ from one another in at least one sequence of process operations.

Thus, as compared to Coufal's process wherein a melamine-containing stream from the **same** process for making melamine from urea may be handled differently downstream and mixed, the mixture still originates from the **same** – not different – melamine-production process. Stated another way, while Coufal discloses mixing of two melamine flows, i.e., a liquid melamine flow that is combined with solid melamine, the liquid as well as the solid melamine originate from the **same** process for making melamine from urea.

Consequently, Coufal cannot anticipate the presently pending claims under 35 USC §102(b). Withdrawal of such rejection is therefore in order.

(ii) Rejection under 35 USC §103(a)

Claims 1-13 attracted a rejection under 35 USC §103(a) as allegedly being "obvious" and hence unpatentable over Coufal in view of Van HARdeveld (USP 4,408,046). Applicants emphatically disagree.

The comments above are equally germane here. Again, the Examiner in his conclusion of unpatentability asserts that prior claim 1 is merely limited to mixing of two streams of melamine.¹ Such a statement is clearly erroneous and apparently serves as the incorrect basis on which the Examiner views the invention vis-à-vis the applied references of record. To be sure, as noted above, pending independent claim 1 is in fact limited to mixing of two steams of melamine that originate from ***at least two different processes for making melamine***. Coufal and Van Hardeveld do not disclose or even remotely suggest such a feature.

Furthermore, it cannot be seen by the applicants how the applied references can be combined in the first instance when Coufal teaches to use two different melamine streams from the ***same*** process for making melamine, whereas Van Hardeveld does not teach mixing of melamine flows at all. Thus, even if combined, Coufal and Van Hardeveld do not provide any guidance to the invention herein claimed which involves the mixing of two melamine flows from at least two different processes for making melamine from urea. Consequently, it seems to the applicants that the obviousness rejection advanced by the Examiner under 35 USC §103(c) is based on the same misinterpretation of the claim language which therefore leads to a misapplication of the references.

Withdrawal of the rejection advanced under 35 USC §103(c) is also in order.

4. Conclusion

Every effort has been made to advance prosecution of this application to allowance. Therefore, in view of the amendments and remarks above, applicant suggests that all claims are in condition for allowance and Official Notice of the same is solicited.

¹ "The instant invention relates to purification of melamine crude melamine (sic) by mixing two melamine containing flows...." (Official Action at page 4, penultimate paragraph.)

TJIOE et al
Serial No. 10/522,418
September 20, 2007

Should any small matters remain outstanding, the Examiner is encouraged to telephone the Applicants' undersigned attorney so that the same may be resolved without the need for an additional written action and reply.

An early and favorable reply on the merits is awaited.

5. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment in the fee filed, or asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by the attorneys of Customer No. 23117 to Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Bryan H. Davidson/
Bryan H. Davidson
Reg. No. 30,251

BHD:dlb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100